

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64292 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- DHANKUND District- Banka

Rakesh Kumar Pandey Son of Paras Nath pandey R/o Village - Sain Ram Rai
Tola, P.S. - Kanti, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Dhankhund P.S. Case No. 10 of 2024, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. During patrolling, the police intercepted a Bolero vehicle bearing Regn. No. BR-06P-8364. In course of search, total 223.2 litres of illicit liquor was recovered. The driver of the vehicle was also apprehended at the spot.

4. Learned advocate for the petitioner submitted that the petitioner has nothing to do with the vehicle in question as the same was duly sold to one Kamesh Ray, son of Dev Nandan Ray of village Basantpur Patti on 13.11.2023. However, on account of some lapses, the proper transfer could not take place



in the office of the Regional Transport Office. To support the aforesaid contention, agreement of transfer has been placed on record as Annexure-P/2. It is further contended that there are various infirmities in the search and seizure besides non-compliance of the provisions of Section-103 of B.N.S.S. The petitioner bears fair antecedent and undertakes that he will fully co-operate in the proceeding of the Court.

5. Learned advocate for the State opposed the bail application and submits that the use of the petitioner's vehicle in the crime clearly suggests his complicity.

6. Having considered the submissions advanced by the learned advocate for the respective parties and taking note of the agreement to sale of the vehicle in question and the place from where recovery has been made coupled with the fair antecedent and the other infirmities as has been shown by the learned advocate for the petitioner in the search and seizure besides the lack of material which *prima facie* attracts the rigours provided under Section- 76(2) of Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Banka in connection with Dhankhund P.S. Case No. 10 of 2024 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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